

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day:month:year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/GB2005/000075

International filing date (day:month:year)
13.01.2005

Priority date (day:month:year)
09.06.2004

International Patent Classification (IPC) or both national classification and IPC
B32B7/06, A47G11/00, G09F23/06

Applicant

TABLETALK MEDIA LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000075

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000075

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------------------------|
| Novelty (N) | Yes: Claims | 6,8,12,21 |
| | No: Claims | 1-5,7,9-11,13-16,18-20,22,23 |
| Inventive step (IS) | Yes: Claims | 21 |
| | No: Claims | 1-20,22,23 |
| Industrial applicability (IA) | Yes: Claims | 1-23 |
| | No: Claims | |

2. Citations and explanations
see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US-A-6 030 705 (BUONICONTI ET AL) 29 February 2000 (2000-02-29)

D2: US-A-4 528 055 (HATTEMER ET AL) 9 July 1985 (1985-07-09)

1. Clarity; Article 6 PCT

1.1 Wording

The designation of claim 1 is "a covering", yet in the second part of claim 1 reference is made to a "table covering". Independent claim 20 also refers to a "table covering" according to any one of the preceding claims.

This inconsistency in the terminology used leads to doubt as to the type of apparatus being claimed and as such renders the claims unclear contrary to the requirements of Article 6 PCT.

1.2 Definition by Reference to Use

Claims 3, 4, 5 and 19 attempt to define the covering by reference to its use on a surface top as well as by means of reference to features of the surface top.

As the surface top is not part of the claimed covering, nor in some way standardized a lack of clarity results as the resultant restriction of the scope of protection cannot be determined, see also PCT Guidelines 5.37.

Hence the criteria of Article 6 PCT are not met.

2. Independent Claim 1; Novelty, Articles 33(1) and 33(2) PCT

The present application does not meet the criteria of Article 33(1) PCT

D1 discloses

A covering for application to a surface top (title), comprising
a semi-permanent adhesive layer (column 2, l. 4; column 3, l. 23-24) to be in contact with the top,
a clear carrier layer (column 3, l. 3)

a display layer which is printed (column 3, l. 3; l. 31-33) on the carrier layer wherein the table covering is arranged such that when applied to a surface top the nature of the covering is not readily visible except for the printed area, permitting the surface top to be visible through a substantial portion of the covering (inherent to the construction of the covering described in D1).

Thus D1 discloses all the features of claim 1. Hence the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Moreover, D2 also discloses the subject-matter of claim 1 and hence the subject-matter of claim 1 is also not new with respect to the disclosure of that document.

3. Dependent Claims on Claim 1

3.1 Notwithstanding the clarity objections under point 1.2 above, the subject-matter of dependent claims 2,3,4,5 and 9, 18, 19 is not new, D1 also disclosing the technical features relating to the covering.

- release paper (column 2, l. 5) (cf. claim 2)
- arranged to cover substantially all of surface top (though related to the use of the cover, this use was also disclosed in D1, see figures) (cf. claim 3)
- covers substantially whole of surface top; display layer less in area than carrier layer (figures; column 3, l. 33: screen printed advertising) (cf. claim 4)
- suitable to extend over part of surface top (the surface top being large enough this is true for the covering of D1 as well) (cf. claim 5)
- polyethylene terephthalate film (column 4, l. 5) (cf. claim 9)
- clear carrier layer is polymer (column 4, l. 5) (cf. claim 18)
- table covering (abstract) (cf. claim 19)

3.2 The subject-matters of claims 6-8 relate to minor constructional details which are considered either obvious or part of the normal design procedure for the person skilled in the art.

Hence their subject-matters do not meet the criteria of Article 33(1) and 33(3) PCT with regard to D1.

3.3 Furthermore, the subject-matters of claims 2,5,10,11,13,14,15,16 are also disclosed by

D2 and thus do not meet the criteria of Article 33(1) and 33(2) PCT.

3.4 The additional features of claims 3,4,6-9,12,17 and 18 are also considered obvious modifications to the covering of D2.

4. Independent Claim 20; Novelty, Articles 33(1) and 33(3) PCT

D1 discloses:

A method of finishing a table top which comprises providing a smooth table surface which is free of protuberances (implicit for lamination; column 1, l. 61-65) and applying to the table top a table covering in accordance with claim 1 (see point 2.1), the layer of release paper being removed from the table covering (column 2, l. 28-29) to allow the semi-permanent adhesive layer to adhere to the table top (column 2, l. 32-33).

Thus D1 discloses all the features of claim 20. Hence the subject-matter of claim 20 is not new in the sense of Article 33(2) PCT.

5. Dependent Claims on Claim 20

5.1 Likewise D1 discloses the additional features of claims 22 and 23:

- edges of table covering not more than 50 mm from the edges of the table (description, column 2, l. 44-48) (cf. claim 22)
- wrap over edges (description, column 2, l. 44-48) (cf. claim 23)

Thus the subject-matters of these claims are not new either.

5.2 The subject-matter of claim 21 meets the criteria of Article 33 PCT